

October 24, 1996

Office of the Secretary  
Federal Communications Commission  
Washington, D.C.

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Dear Sirs:

FCC MAIL ROOM...

In accordance with the Notice of Inquiry (NOI) issued on September 19, 1996, with respect to WT Docket No. 96-198, I would like to make the following comments. Due to the shortness of time from the date I received a copy of the NOI, I will not be able to comment on all aspects of the matter. However, certain questions asked warrant special concern in my belief, and it is these on which I have commented.

Background of Commenter

I am a Hard of Hearing (HOH) individual, 52 years old, and have worn hearing aids for 31 years. I have required assistive devices of increasing power to utilize telephones for 23 of those years. At present, I am employed full-time as a Revenue Agent with the Internal Revenue Service. I am also a member of Self Help for Hard of Hearing People, Inc., both locally and nationally; a founding board member of the Auditory Oral Action Committee; a member of the Relay Texas Advisory Committee (RTAC) of the Public Utility Commission (PUC) of the State of Texas; and a member of the Hard of Hearing Task Force of the Texas Commission for the Deaf and Hard of Hearing. However, I am making the following comments as an individual on my own behalf and not as a result of my membership in the various organizations listed above except insofar as I have obtained information from one or more of them.

Comments on III.A.1., para. 8 of the NOI - Definition of "Telecommunications Service Provider"

I believe that a more precise definition of "provider of telecommunications Service" needs to be made. Is the term limited to for-profit enterprises? Is a regulatory agency working with the provider via contract included? Is the definition limited to the owner of the distribution facilities or the switching services? Is an independent distributor who leases line and/or switch facilities included? With respect to regulatory agencies, is there a difference between an agency which nearly oversees conduct and sets rates from one which actively participates in management of the services(s) and method(s) utilized? As an illustration, the Texas PUC regulates rates for such things as power systems and utilities and regular telephone services. However, for relay services as required by the Americans with Disabilities Act, the PUC (with the advice of the RTAC) specifies not only rates but also types of services, adequacy of services, location of the facilities, and enhancements to existing services. The degree to which such oversight can occur without becoming a "de facto" partner of the service provider needs consideration. In addition, with the coming deregulation of local telephone services, a more precise definition of "provider" is needed for all telecommunications services.

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Comments on III.A.2., para. 9 of the NOI - Definition of "Telecommunications Equipment" and CPE

Carriers or telecommunications service providers should not be permitted to render inoperative or ineffectual CPE options provided by manufacturers and acquired by consumers. For example, telecommunications services can be accessed by standard telephones, TDD's (also called TTY's and TT's) for deaf consumers, Voice Carry Over (VCO) (telephones for hard of hearing consumers who wish to speak for themselves), and computers (with modem). Either directly or through relay services, telephones and TDD's can "talk" to each other. A VCO or a computer can connect with a regular telephone, and two computers can communicate with each other. However, at least in Texas, two VCO's canNOT talk to each other, nor can a VCO talk to a TDD or a computer. This is not inherent in the equipment nor the telecommunications hardware, but is a choice of the service provider and/or the regulatory agency. All that would be required is two lines, or two relay operators or some equivalent. The effect is to unnecessarily limit the accessibility of the system to selected individuals. Since a VCO is cheaper than a TDD and far less expensive than a computer, this limitation effects lower income individuals disproportionately. Provisions should be made to eliminate this inequity.

Comments on III.B.3., para. 22 of the NOI - Definition of "Accessible To" and "Usable By"

"Accessibility" can vary in numerous ways. Some provisions may be easy to install or manufacture, and not cause the equipment to be unusable for consumers with no disabilities (or different ones). Others may involve massive restructuring and considerable expense. Examples of the first type are requirements that all standard telephones be compatible with magnetic inductions pick-ups ("T" switches) in hearing aids and the requirement that all televisions contain a "decoder" for closed captions. These elements have largely been accomplished as a result of regulatory action. However, not all accessibility measures are as cheap or as easy to install. Visual displays for consumers with marginal eyesight would make telephones and televisions inordinately large and/or expensive. Other examples can be found. It is my belief that a manufacturer should have a **rebuttable presumption** that each item of equipment made will provide for full access, with addition or deletion of components (modular approach) but that no one item always be accessible to any conceivable disability. The presumption of broad adaptability could be overcome by the same standards used in determining compliance with the ADA, i.e., those for determining "readily achievable".

Comments on III.B.4., para. 25 of the NOI - Compatibility

The terms "existing peripheral devices" and "specialized CPE" should include, at a minimum, the following classes of devices.

1. Plug-in connections for **amplifier hand-sets**
2. Plug-in connections for **in-line amplifiers**
3. Connection feasibility for **add-on or alternate amplifiers for use with magnetic induction loops, headphones or "silhouette" hearing-aid "T-switch" boosters**

4. Retention of the "T-switch" compatibility for all standard telephones wherever manufactured

Comments on IV.A., para. 34 - Resolution of Complaints

I would prefer service-specific rules and guidelines, especially in accounting for the different needs of diverse disabilities. I believe that, despite the rate of technological change, only a result-based set of regulations are likely to be adhered to and successful. Requirement of specific results, regardless of means, appears to be more a feasible approach.

Comments on IV.C., para. 37 - Complaint Procedures

I believe that the existing provisions adopted by the Commission for enforcement of the Telecommunications Relay Service program should be expanded and followed in resolving complaints under Section 255. The relay rules have worked and would appear to provide for a minimal additional burden to both the Commission and the regulated parties, as well as retaining maximum accessibility to the consumer.

I appreciate the opportunity to make these comments on this NOI. If you would like additional details or background for my statements, please contact me at (713)462-6276 or (713)462-0884 (fax) or at work at (713) 209-4370. Due to my degree of hearing loss, telephone contacts may not be fully satisfactory. My mailing address appears below. Thanks again for the opportunity to respond.

Sincerely,



Michael A. Winters  
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Houston, TX 77080